

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 12034 Permit 7216 License 4667

**ORDER AMENDING LICENSE BY CORRECTING THE POINT OF DIVERSION AND
BY ADDING AN ANNUAL AMOUNT AND STANDARD LICENSE TERMS**

WHEREAS:

1. License 4667 was issued to George F. Herrman and Megdelena Herrman on June 26, 1957, pursuant to Application 12034 and was recorded with the County Recorder of Sonoma County on July 2, 1957.
2. License 4667 was subsequently issued to Robert W. Morey, Jr. and Maura Morey on September 23, 1969, and then to Martha M. Cant on February 14, 1974.
3. The Division of Water Rights (Division) conducted an inspection of the project covered by License 4667 on March 27, 2000. This inspection found that the description of the point of diversion authorized by License 4667 requires a correction and that a term limiting the total quantity of water diverted under this license is necessary.
4. The SWRCB will also add its standard continuing authority and water quality objective terms and a term to prevent any act which results in the taking of a threatened or endangered species that have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

License 4667 is amended to include the following changes, corrections and new or revised terms and conditions:

1. The point of diversion authorized by this license is corrected as follows:

By California Coordinate System of 1927, Zone 2, North 257,800 feet and East 1,741,570 feet, being within NW¼ of NW¼ of Section 18, T6N, R9W, MDB&M.

2. The following limitation on the total amount of water diverted under this license is added as follows:

The total quantity of water diverted under this license shall not exceed 2 acre-feet per year.

3. The continuing authority condition, is updated to read as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

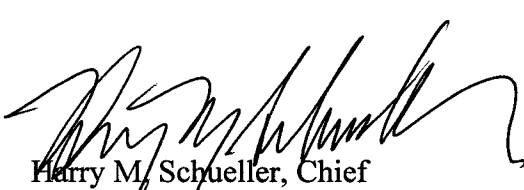
The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

4. The water quality objectives condition, is updated to read as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the California Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

5. An endangered Species term is added to read as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (California Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.



Harry M. Schueller, Chief
Division of Water Rights

SEP 20 2000



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 12034

PERMIT 7216

LICENSE 4667

THIS IS TO CERTIFY, That

George F. Herrman and Magdalena Herrman

Bodega Road

Sebastopol, California

Notice of Change (Over)

have made proof as of September 14, 1955,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
an unnamed stream in Sonoma County

tributary to Salmon Creek

for the purpose of domestic and irrigation uses
under Permit 7216 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from August 11, 1947;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed four thousand (4000) gallons
per day to be diverted from about April 1 to about November 1 of each year for
irrigation purposes and throughout the year as required for domestic purposes.

The equivalent of such continuous flow allowance for any thirty day period may
be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located north five degrees fifty minutes east
(N5°50'E) nine hundred eleven (911) feet from SE corner Lot 6, Section 18, T 6 N,
R 9 W, MDB&M, being within NE¼ of NW¼ of said Section 18.

A description of the lands or the place where such water is put to beneficial use is as follows:

domestic use and irrigation of 0.75 acre within Lot 6, Section 18, T 6 N, R 9 W, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

COVERED BY LICENSE ORDER NO. 41

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

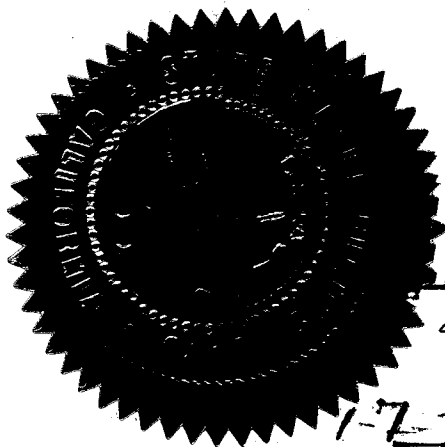
Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 26 1957

STATE WATER RIGHTS BOARD

By

Leslie C. Jopson
Leslie C. Jopson
Chief Engineer



8-18-69 RECEIVED NOTICE OF ASSIGNMENT TO *Robert W. Morey*
and *Naura Morey*

1-7-74 RECEIVED NOTICE OF ASSIGNMENT TO *Matthew M. Cant*

LICENSE 4667

STATE OF CALIFORNIA

STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO George F. Herrman and
Magdalena Herrman

DATED JUN 26 1957